

Rev. 10/97
#153

SECTION 8000

8000 SPOUSAL SUPPORT

8010 Coverage
8020 Benefits
8030 Checks

Rev. 10/97
#153

- 230 -

8000 SPOUSAL LIVING ALLOWANCE

- I. In regard to the Spousal Living Allowance, the term “individual” refers to the spouse residing in a Cost Reimbursed Boarding Home/Adult Family Care Home. The term “at home spouse” refers to the spouse applying for or receiving the spousal living allowance. The “at home spouse” must be legally married under State of Maine law to the individual in the residential facility.
- II. When an individual is getting help from Medicaid with their expenses in a Cost Reimbursed Boarding Home or Adult Family Care Home, the at home spouse may be eligible for a spousal living allowance.

The living allowance starts the month of application by the at home spouse or the first full calendar month the individual is residing in a Cost Reimbursed Boarding Home/Adult Family Care Home, whichever is later.

For example, the at home spouse applies in 10/97 but 11/97 is the first full calendar month his/her spouse is residing in a Cost Reimbursed Boarding Home. 11/97 is the first month of payment.

- III. An application is considered to be filed for the living allowance when:
 - A. the individual residing in the CRBH/AFCH files an application for help to pay for their residential care expenses;
 - B. the at home spouse requests a spousal living allowance and s/he is receiving Food Stamps, Medicaid, SSI or the State Supplement.

If none of the above applies, the at home spouse must file a separate application with BFI.

8010 ELIGIBILITY

- I. Non-Financial Criteria
 - A. At home the spouse must be in living arrangement A (living alone or with others) or C (living in the household of another). The spouse cannot be living in a residential care facility or medical institution.

8010 cont.

- B. If the at home spouse is not otherwise covered by Medicaid, s/he must meet the basic eligibility requirements identified in the 1200 section regarding citizenship, residency and providing a Social Security Number.
- C. The at home spouse does not need to meet the SSI-related rule of being aged, blind or disabled.

II. Financial Criteria

- A. Countable assets must be less than \$2,000. The rules on treatment of assets are the same as the SSI-related rules that are outlined in the 3300 sections of this manual.
- B. Countable income of the at home spouse must be less than 100% of the Federal Poverty Level for one.

Countable income is determined using the SSI-related rules that are identified in the 3300 sections of this manual.

8020 BENEFITS

- I. The at home spouse may be eligible for a payment of up to 100% of the Federal Poverty Level for one. There are no partial month benefits. If eligible for part of the month, then benefits will be authorized for the entire month.
 - A. If the at home spouse is receiving an SSI payment, the monthly living allowance for SSI recipients is \$249. This amount is authorized in place of the \$10/\$6 State Supplement and is considered a State Supplement.
 - B. If the at home spouse is receiving the State Supplement only (not SSI) the living allowance will be the difference between countable income and 100% of the Federal Poverty Level for one. This will be authorized in place of the \$10/\$6 State Supplement and is considered a State Supplement.
 - C. If the at home spouse is receiving Medicaid but not SSI or State Supplement, the living allowance will be the difference between the spouse's countable income and 100% of the Federal Poverty Level for one.
 - D. If the at home spouse is not receiving SSI, State Supplement or Medicaid, the living allowance will be the difference between the spouse's countable income and 100% of the Federal Poverty Level for one.

Rev. 10/97
#153

- 232 -

- II. The Spousal Living Allowance continues as long as the at home spouse is financially and otherwise eligible and as long as s/he has a spouse residing in a Cost Reimbursed Boarding Home/Adult Family Care Home who is being helped with their expenses by Medicaid.

8030 **CHECKS**

GENERAL RULE: When a recipient reports a check has been lost, stolen or destroyed prior to cashing, the agency has the responsibility to replace it with reasonable promptness. In the instances when there is reason to believe there has either been a forgery or duplicate checks have been received and cashed by the recipient, the following procedures have been established.

- I. Lost, Stolen or Destroyed
 - A. The worker checks the returned check list on or after the 8th of the month. If the check has been returned to Financial Services then the address is corrected on the computer and the request is made for remailing
 - B. If the name is not on the returned check list, the Worker does the following:
 - 1. Completes a SWIM-050 (Stop-Payment). The original is sent to Division of Financial Services. The copy is for the record.
 - 2. Completes a SWIM-051 (Application for a Duplicate Check). The original is sent to Division of Financial Services. The copy is for the record.

NOTE: Both the SWIM-050 and the 051 are sent to Financial Services together.

II. Forgeries

When the photocopy of the original check is sent to the worker, the Worker has to meet face-to-face with the recipient or Representative Payee to determine whether or not the signature is theirs. If the recipient or Representative Payee states it is not, then a Forgery Affidavit will be completed (SWIM-052) and the original sent to SIRU with a copy to Division of Financial Services and a copy for the record. This initiates an investigation to determine who cashed the check.

If the recipient or Representative Payee agrees that the signature on the original check is theirs, the worker may refer for fraud.